IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.155 OF 2006

Ormerods (India) Pvt.Ltd. .. Petitioner
Versus
Bank of Baroda .. Respondent

Mr.H.J.Thakkar, Senior Advocate with Vishal Thacker i/b. M/s.Mahesh Jani & Co. for petitioner
Mr.V.Y.Sanglikar for respondent

CORAM : S.C.DHARMADHIKARI, J.
DATE : 20th January 2006.

P.C.

. After hearing Mr.Thakkar, learned Senior Counsel for petitioner and Mr.Sanglikar for first respondent bank, this petition under Article 227 of the Constitution of India need not be entertained. It is accordingly dismissed.

2. Admittedly, appeal under section 9 preferred by the petitioner to challenge order of

eviction passed by the Estate Officer is pending before learned Principal Judge, City Civil Court, Mumbai. At the request of Mr.Thakkar name of respondent No.3 to the appeal i.e. Union of India is allowed to be deleted.

3. Learned Principal Judge should direct the Registry to number the pending appeal. Registry to number the same in case all the procedural formalities are complied with. However, the appellate authority as and when it decides to hear the appeal shall direct respondent No.1 Bank of Baroda or the Estate Officer to produce original record for its perusal and in case request is made by parties to the appeal grant inspection thereof.

4. As far as compliance with rule 9 is concerned, in the light of observations by the learned Judge in para 26, it is desirable that the appellate authority sends an intimation to

the Additional Secretary, Banking, Government of India, Ministry of Finance, Department of Economic Affairs, Banking Division of the date, time and place of hearing of appeal. Needless to observe that merely because such an intimation is not received, the Principal Judge shall not postpone hearing of appeal. Said appeal to be decided on its own merits and in accordance with law. All contentions on merits are expressly kept open.

(S.C.DHARMADHIKARI, J)